BORA LASKIN LAW LIBRARY
3 1761 10084659 1

ENTERTAINMENT LAW

GORDON I. KIRKE, Q.C.

VOLUME II: ENTERTAINMENT LAW

1987

With the Assistance of: CARY KOCHBERG

FACULTY OF LAW

UNIVERSITY OF TORONTO

LAW LIBRARY
OCT 15 1987

ENTERTAINMENT LAW

GORDON I. KIRKE, Q.C.

VOLUME II: ENTERTAINMENT LAW

1987

With the Assistance of: CARY KOCHBERG

FACULTY OF LAW

UNIVERSITY OF TORONTO

Digitized by the Internet Archive
in 2018 with funding from
University of Toronto

https://archive.org/details/entertainmentspo02kirk_2

ACKNOWLEDGEMENT

I would like to express my sincere appreciation to Cary Kochberg for his assistance in assembling, preparing and editing these materials.

Cary and I are indebted to Lisa Jezioranski, Michael Levine, Stephen Selznick, Stephen Stohn and David Zitzerman for their help in developing this material.

GORDON I. KIRKE, Q.C.

SEPTEMBER, 1987

INDEX TO ENTERTAINMENT LAW MATERIALS

			Page
1.	**COPYRIGHT**		
	A.	INTRODUCTION TO COPYRIGHT LAW	1
	B.	EXCERPTS FROM THE COPYRIGHT ACT.....	30
	C.	PROPOSED REVISIONS TO THE COPYRIGHT ACT	
		(i) "Background to the Revisions of the Copyright Act" - Government of Canada Information publication	49
		(ii) "Factors in Revising the Legislation" - Government of Canada Information publication.....	52
		(iii) "Copyright and the Cultural Community" - Ministry of Consumer and Commercial Relations.....	57
		(iv) "Government Response to the Report of the Sub-Committee on the Revision of Copyright" - Government of Canada.....	68
		(v) Bill C-60 - An Act to Amend The Copyright Act	86
		(vi) Background Paper to Bill C-60.....	118
	D.	APPROPRIATION OF PERSONALITY	
		(i) Krouse v. Chrysler Canada Ltd.	142
		(ii) Athans v. Canadian Adventure Camps	159
		(iii) Personal Endorsement Contract	166
2.	**MOTION PICTURES AND TELEVISION**		
	A.	OVERVIEW OF THE PRODUCTION PROCESS	
		(i) Notes on the Film Industry and the Production Process.....	173

		Page
(ii)	Production Checklist for Legal Matters.....	177
B.	ACQUISITION OF RIGHTS	
(i)	Notes on the Acquisition of Rights for Film Production.....	187
(ii)	Option Agreement	198
(iii)	Literary Purchase Agreement	207
(iv)	Screenwriter's Agreement	220
(v)	Inducement Letter	236
(vi)	Extracts from the ACTRA Writers' Agreement	237
C.	FINANCING	
(a)	Private Financing	
(i)	"Developing Methods for Financing Motion Picture and Television Productions in Canada" - Steven S. Levitan	241
(ii)	Development Financing Agreement	251
(iii)	Licensing Agreement	256
(iv)	Government Incentives for Private Financing:	
	- "The Canadian Film and Videotape Certification Process - Introduction" Goverment of Canada	269
	- Excerpts from the Income Tax Act (Canada) and Regulations.....	282
	- "Summary of New Amendments to the 100% Capital Cost Allowance Program" - Government of Canada.....	297
	- 1987 White Paper and Related Press Articles	305

		Page
(v)	Excerpts from a Private Offering Memorandum	308
(vi)	Excerpts from a Prospectus	316
(vii)	Excerpts from the Securities Act	322
(viii)	Re Mosport Film Productions Ltd. and the Securities Act	343
(b)	Government Financing	
(i)	Canadian Film Development Corporation Act Canada and Regulations	350
(ii)	"Policies on the Management of the Feature Film Fund" - Telefilm Canada	353
(iii)	"Policies on the Management of the Canadian Broadcast Program Development Fund" - Telefilm Canada	356
(iv)	The International Marketing Assistance Fund and the Interim Financing Fund - Telefilm Canada	358
(v)	Development Corporations Act (Ontario): Regulations Regarding the Ontario Film Development Corporation	367
(c)	Canadian Content	
(i)	Introductory Note.....	370
(ii)	The Broadcasting Act	375
(iii)	Public Notice 1984 - 110	376
(iv)	The new "Canadian Content" Guidelines for Television	377
(d)	International Co-Operation	
(i)	The Canada-France Co-Production Treaty	385
(ii)	International Co-Production Agreement..	393

Page

(e) Completion Guarantees and Insurance

(i) Notes on Completion Guarantees and Insurance 406

(ii) Sample Completion Guarantee 408

D. PERSONAL SERVICES CONTRACT

(i) Notes on the Production Contract 426
(ii) Notes on the Directors' Agreement and the Talent Agreement 431
(iii) ACTRA Performer/Independent Production Agreement 440
(iv) Star Performer Contract 452
(v) Tax Considerations for Performers and Other Artists 461

E. DISTRIBUTION

(i) Notes on Producer/Distributor Deals and Distributor/Theatrical Exhibition Deals 469
(ii) Distribution Agreement 472
(iii) Proposed Government Policy On Distribution of Foreign Films In Canada (February 13, 1987) and Related Press Articles..... 497

3. THE MUSIC RECORDING INDUSTRY

(i) "Music Publishing Agreements in Canada" - J. Stephen Stohn 524
(ii) Management Agreement 562
(iii) Recording Agreement 581
(iv) Exclusive Publishing Agreement 618

4. THE BOOK PUBLISHING INDUSTRY

(i) "Canada is fighting bravely in war for cultural identity" - The Sunday Star, August 3, 1986 640
(ii) Notes on Book Publishing and the Literary Arts 645
(iii) Author-Publisher Agreement 649

Page

(iv) Trade Book Contract and Guidelines for the Relationship of the Writer and Literary Agent - Writer's Union of Canada 654
(v) Author-Packager Agreement 668

5. THE THEATRE INDUSTRY

(i) Overview of Theatre and Live Performance 687
(ii) Dramatization Rights Agreement 689
(iii) Production Agreement 702
(iv) Licence Agreement..... 718